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| APPLICATION NO. | FILING DATE | FIRST NAMED INVENTOR | ATTORNEY DOCKET NO. | CONFIRMATION NO. |
|---|---|---|---|---|
| 10/806,920 | 03/23/2004 | Mark S. Schaefer | GP-304230 (2760/150) | 3877 |

7590          11/20/2007

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| EXAMINER |
|---|
| INGBERG, TODD D |

| ART UNIT | PAPER NUMBER |
|---|---|
| 2193 | |

| MAIL DATE | DELIVERY MODE |
|---|---|
| 11/20/2007 | PAPER |

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

| | | Application No. | Applicant(s) |
|---|---|---|---|
| **Office Action Summary** | | 10/806,920 | SCHAEFER, MARK S. |
| | | Examiner | Art Unit | |
| | | Todd Ingberg | 2193 | |

*-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --*

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE _3_ MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.
- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

1) ☒ Responsive to communication(s) filed on _23 March 2004_.

2a) ☐ This action is **FINAL**.  2b) ☒ This action is non-final.

3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

4) ☒ Claim(s) _1-27_ is/are pending in the application.

  4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5) ☐ Claim(s) _____ is/are allowed.

6) ☒ Claim(s) _1-27_ is/are rejected.

7) ☐ Claim(s) _____ is/are objected to.

8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

**Application Papers**

9) ☐ The specification is objected to by the Examiner.

10) ☒ The drawing(s) filed on _3/23/04_ is/are: a) ☒ accepted or. b) ☐ objected to by the Examiner.

  Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

  Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

  a) ☐ All b) ☐ Some * c) ☐ None of:

  1. ☐ Certified copies of the priority documents have been received.

  2. ☐ Certified copies of the priority documents have been received in Application No. _____.

  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

  * See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

1) ☒ Notice of References Cited (PTO-892)
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) ☐ Information Disclosure Statement(s) (PTO/SB/08)
  Paper No(s)/Mail Date _____.

4) ☐ Interview Summary (PTO-413)
  Paper No(s)/Mail Date. _____ .
5) ☐ Notice of Informal Patent Application
6) ☐ Other: _____.

## DETAILED ACTION

Claims 1 – 27 have been examined.

### *Drawings*

1. The drawings filed March 23, 2004 have been accepted.

### *Specification*

2. The title of the invention is not descriptive. A new title is required that is clearly indicative of the invention to which the claims are directed. Legal words "method" and "system" should be removed.

### *Examiner's Interpretations*

3. The following terms are the Examiner's interpretations used in the prosecution of this case.

**Call Center** – In addition to the function aspect of a call center the term refers to the primary update server.

**Telematics Unit** – In addition to the function aspect of a Telematics Unit the term refers to a update server.

### *Claim Rejections - 35 USC § 103*

4. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

5. Claims 1 – 27 are rejected under 35 U.S.C. 103(a) as being unpatentable over

"Framework for Security and Privacy in Automotive Telematics" (GM), Sastry Duri et al. ACM,

September 28, 2002 in view of the wireless implementation of HP **OpenView** and "Lucent

Technologies to Provide ORiNOCO **Wireless** Networking and Internet Access for HP PCs.

Effective filing date of instant application is March 24, 2004.

**Claim 1**
GM teaches a method of managing a software configuration of a vehicle (GM, page 30, top right
first paragraph), the method comprising: requesting a software configuration update data for a
vehicle from a central database (GM, page 30, bottom left - server) from one of a call center
(GM, page 28, top right) or a telematics unit (GM, page 30, bottom left); retrieving a vehicle
software configuration data representative of a vehicle software configuration (GM, Abstract and
page 30, top right); determining whether the software configuration update data (OpenView,
page 182) corresponds with the vehicle software configuration data (OpenView, page 182, IPD
and OpenView, page 180-181, compatibility); and sending a software module from the call
center to the telematics unit via a wireless network based on the determination (OpenView,
pages 180, various Servers). GM teaches the managing a software configuration of a vehicle
(GM, page 30, top right first paragraph) in a wireless environment and OpenView with Wireless
teach implementing OpenView in a wireless the ability to manage software on a multitude of
configurations (server and client). Therefore, it would have been obvious to one of ordinary skill
in the art at the time of invention to combine GM and OpenView with Wireless, because
configuration management makes distributed systems more reliable.

**Claim 2**
The method of claim 1, wherein requesting the software configuration update data for the vehicle
further comprises requesting the software configuration update data for the vehicle responsive to
a trigger event vehicle (GM, page 30, top right).

**Claim 3**
The method of claim 2, wherein the trigger event is selected from the group consisting of a
predefined time period (GM, page 30, - periodic – top left second paragraph), an update flag
generated by the call center, and a status check flag generated by the vehicle (GM, page 30, top
right, power on and top left ).

**Claim 4**
The method of claim 1, wherein retrieving the vehicle software configuration data further
comprises retrieving the vehicle software configuration data from the telematics unit (GM, page
30, top right and Abstract).

**Claim 5**
The method of claim 1, further comprising determining the vehicle software configuration data
by requesting software configuration data from a vehicle component (GM, page 30, top right).

**Claim 6**
The method of claim 1, wherein requesting the software configuration update data for the vehicle (GM, page 30, top right) further comprises requesting a listing of software modules for the vehicle (OpenView, page 182, Depot) and wherein retrieving the vehicle software configuration data (GM, page 30, top right) further comprises retrieving a listing of software modules installed in the vehicle (OpenView, page 182, IPD).

**Claim 7**
The method of claim 6, wherein determining whether the software configuration update data corresponds with the vehicle software configuration data (See the rejection for claim 1) further comprises determining whether the software configuration update data listing of software modules match the vehicle software configuration data listing of modules (See the rejection for claim 1).

**Claim 8**
The method of claim 1, wherein retrieving the vehicle software configuration data representative of the vehicle software configuration (GM, page 30, top right) further comprises: requesting a first vehicle identification tag from the vehicle (GM, page 28, section 4 – vehicle identification information); retrieving a second vehicle identification tag from the telematics unit
; determining whether the first vehicle identification tag corresponds with the second vehicle identification tag (GM, page 30, proper credential check),; and storing the first vehicle identification tag in the telematics unit if the first vehicle identification tag does not match the second vehicle identification tag GM, page 29, left – logs and repositories and page 30, data protection manager).

**Claim 9**
The method of claim 1, wherein the software module comprises a software identification tag identifying a version of the software module (OpenView, page 179, bottom).

**Claim 10**
GM teaches a computer readable medium storing a computer program for managing a software configuration of a vehicle, comprising: computer readable code for requesting a software configuration update data for a vehicle from a central database from one of a call center or a telematics unit; computer readable code for retrieving a vehicle software configuration data representative of a vehicle software configuration; computer readable code for determining whether the software configuration update data corresponds with the vehicle software configuration data; and computer readable code for sending a software module from the call center to the telematics unit via a wireless network based on the determination. See the rejection for claim 1.
GM teaches the managing a software configuration of a vehicle (GM, page 30, top right first paragraph) in a wireless environment and OpenView with Wireless teach implementing OpenView in a wireless the ability to manage software on a multitude of configurations (server and client). Therefore, it would have been obvious to one of ordinary skill in the art at the time of

invention to combine GM and OpenView with Wireless, because configuration management
makes distributed systems more reliable
**Claim 11**
The computer readable medium of claim 10, wherein the computer readable code for requesting
the software configuration update data for the vehicle comprises computer readable code for
requesting the software configuration update data for the vehicle responsive to a trigger event.
See the rejection for claim 2.

**Claim 12**
The computer readable medium of claim 11, further comprising computer readable code for
selecting the trigger event from a list consisting of a predefined time period, an update flag
generated by the call center, and a status check flag generated by the vehicle.
See the rejection for claim 3.

**Claim 13**
The computer readable medium of claim 10, wherein the computer readable code for retrieving
the vehicle software configuration data comprises computer readable code for retrieving the
vehicle software configuration data from the telematics unit. See the rejection for claim 4.

**Claim 14**
The computer readable medium of claim 10, further comprising computer readable code for
determining the vehicle software configuration data by requesting software configuration date
from a vehicle component. See the rejection for claim 5.

**Claim 15**
The computer readable medium of claim 10, wherein the computer readable code for requesting
the software configuration update data for the vehicle comprises computer readable code for
requesting a listing of software modules for the vehicle and wherein the computer readable code
for retrieving the vehicle software configuration data comprises computer readable code for
retrieving a listing of software modules installed in the vehicle. See the rejection for claim 6.

**Claim 16**
The computer readable medium of. claim 15, wherein the computer readable code for
determining whether the software configuration update data corresponds with the vehicle
software configuration data comprises computer readable code for determining whether the
software configuration update data listing of software modules match the vehicle software
configuration data listing of modules. See the rejection for claim 7.

**Claim 17**
The computer readable medium of claim 10, wherein the computer readable code for retrieving
the vehicle software configuration data representative of the vehicle software configuration
comprises: computer readable code for requesting a first vehicle identification tag from the
vehicle; computer readable code for retrieving a second vehicle identification tag from the
telematics unit; computer readable code for determining whether the first vehicle identification

tag corresponds with the second vehicle identification tag; and computer readable code for
storing the first vehicle identification tag in the telematics unit if the first vehicle identification
tag does not match the second vehicle identification tag. See the rejection for claim 8.

**Claim 18**
The computer readable medium of claim 10, further comprising computer readable code for
interpreting a software identification tag to identify a version of the software module.
See the rejection for claim 9.

**Claim 19**
GM teaches a system for managing a software configuration of a vehicle, the system comprising:
means for requesting a software configuration update data for a vehicle from a central database
from one of a call center or a telematics unit; means for retrieving a vehicle software
configuration data representative of a vehicle software configuration; means for determining
whether the software configuration update data corresponds with the vehicle software
configuration data; and means for sending a software module from the call center to the
telematics unit via a wireless network based on the determination.
See the rejection for claim 1.
GM teaches the managing a software configuration of a vehicle (GM, page 30, top right first
paragraph) in a wireless environment and OpenView with Wireless teach implementing
OpenView in a wireless the ability to manage software on a multitude of configurations (server
and client). Therefore, it would have been obvious to one of ordinary skill in the art at the time of
invention to combine GM and OpenView with Wireless, because configuration management
makes distributed systems more reliable
**Claim 20**
The system of claim 19, wherein the means for requesting the software configuration update data
for the vehicle further comprises means for requesting the software configuration update data for
the vehicle responsive to a trigger event. See the rejection for claim 2.

**Claim 21**
The system of claim 20, further comprises means for selecting the trigger event from a list
consisting of a predefined time period, an update flag generated by the call center, and a status
check flag generated by the vehicle. See the rejection for claim 3.

**Claim 22**
The system of claim 19, wherein the means for retrieving the vehicle software configuration data
further comprises means for retrieving the vehicle software configuration data from the
telematics unit. See the rejection for claim 4.

**Claim 23**
The system of claim 19, further comprising means for determining the vehicle software
configuration data by requesting software configuration data from a vehicle component.
See the rejection for claim 5.

**Claim 24**
The system of claim 19, wherein the means for requesting the software configuration update data for the vehicle further comprises means for requesting a listing of software modules for the vehicle and wherein the means for retrieving the vehicle software configuration data further comprises means for retrieving a listing of software modules installed in the vehicle.
See the rejection for claim 6.

**Claim 25**
The system of claim 24, wherein the means for determining whether the software configuration update data corresponds with the vehicle software configuration data further comprises means for determining whether the software configuration update data listing of software modules match the vehicle software configuration data listing of modules. See the rejection for claim 7.

**Claim 26**
The system of claim 19, wherein the means for retrieving the vehicle software configuration data representative of the vehicle software configuration further comprises: means for requesting a first vehicle identification tag from the vehicle; means for retrieving a second vehicle identification tag from the telematics unit; means for determining whether the first vehicle identification tag corresponds with the second vehicle identification tag; means for storing the first vehicle identification tag in the telematics unit if the first vehicle identification tag does not match the second vehicle identification tag. See the rejection for claim 8.

**Claim 27**
The system of claim 19, further comprising means for interpreting a software identification tag to identify a version of the software module. See the rejection for claim 9.
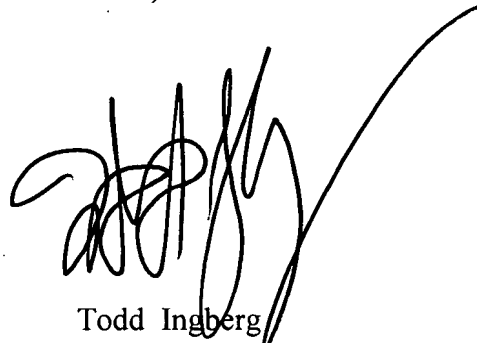
## *Correspondence Information*

6.      Any inquiry concerning this communication or earlier communications from the

examiner should be directed to Todd Ingberg whose telephone number is (571) 272-3723. The

examiner can normally be reached on during the work week..

If attempts to reach the examiner by telephone are unsuccessful, the examiner's

supervisor, Meng-Ai An can be reached on (571) 272-3756. The fax phone number for the

organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent

Application Information Retrieval (PAIR) system. Status information for published applications

may be obtained from either Private PAIR or Public PAIR. Status information for unpublished

applications is available through Private PAIR only. For more information about the PAIR

system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR

system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would

like assistance from a USPTO Customer Service Representative or access to the automated

information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

Todd Ingberg
Primary Examiner
Art Unit 2193

TI